CRB COMPLAINT EVALUATION FORM

Case Number: 10-005 Complainant Name: Ronald Sands

CASE SUMMARY

Date of Incident: 7/11/10
Date of Complaint filed with IA: 7/23/10
Date of Complaint filed with CRB: 7/22/10

Officers: Officer Nicholas Galbo

Allegation: Discourtesy

The Complainant, Ronald Sands, filed a complaint with CRB on July 22, 2010, arising from an incident on July 11, 2010. Mr. Sands felt that Officer Galbo was unprofessional in allegedly using profanity directed at Mr. Sands.

Mr. Sands has since communicated to KWPD IA Lt. David Smith that he would like to withdrawal his complaint and he has signed a statement to that affect.

This file consists of the following written/visual materials:

- Complaint and transfer to IA cover memo;
- 2. Notice of Withdrawal of Complaint signed by Mr. Sands:
- 3. Notice Letters to involved parties;

THE FACTUAL ALLEGATIONS OF THIS/THESE COMPLAINT(s) HAS/HAVE NOT BEEN INVESTIGATED BY EITHER THE INTERNAL AFFAIRS DIVISION OF THE KEY WEST POLICE DEPARTMENTMENT, NOR THE CITIZENS REVIEW BOARD (CRB). THIS/THESE COMPLAINT(S) IS/ARE BEFORE THE BOARD FOR ADMINISTRATIVE PROCESSING ONLY UNTIL SUCH TIME AS EITHER INTERNAL AFFAIRS OR THE CRB INVESTIGATES THE ALLEGATIONS OF THE COMPLAINT. ANY READER OF THIS/THESE COMPLAINT(S) SHOULD NOT PRESUME THAT THE OFFICER COMPLAINED AGAINST HAS ENGAGED IN ANY WRONGDOING.



Citizen Review Board City of Key West Florida Executive Director's Memo

TO:

Chief Donie Lee/Lt. David Smith/Inspector Randy Smith

FROM:

Stephen Muffler, Esquire

DATE:

07/23/10

RE:

CRB Complaint 10-005/Transfer to IA

Attached please find a complaint filed by Mr. Ronald Sands against Officer Galbo alleging discourtesy.

PLEASE ALSO NOTE THAT THIS COMMUNICATION SHALL SERVE AS THE CRB'S PUBLIC RECORDS REQUEST UNDER FLORIDA PUBLIC RECORDS LAW CHAPTER 119 FOR:

- 1) <u>COPIES OF ANY EXISTING I-COP VIDEO ON JULY 11, 2010</u> INVOLVING OR RELATED TO THE ALLEGATIONS CONTAINED IN MR. SAND'S COMPLAINT OR DOCUMENTING INTERACTIONS BETWEEN MR. SANDS AND OFFICER GALBO.
- 2)COPIES/RECORDINGS OF ANY EXISTING CAD DISPATCH LOGS AND/OR OFFICER GALBO'S COMMUNICATIONS ON JULY 11, 2010, SPECIFICALLY OFFICER GALBO'S COMMUNICATIONS, INVOLVING OR RELATED TO THE ALLEGATIONS CONTAINED IN MR. SAND'S COMPLAINT.
- 3)COPIES OF ANY FIELD INTERVIEW REPORTS/INCIDENT REPORTS AND/OR POLICE REPORTS RELATING TO OFFICER GALBO'S INTERACTIONS WITH MR. SANDS ON JULY 11, 2010.

Please acknowledge below receipt of this request and letter/enclosures and report back to the CRB with your findings within the 45 day time frame. Should an investigation under the Florida Officer's Bill of Rights commence, then you may delay the delivery of the aforementioned public records until the conclusion of this formal investigation. If an investigation under the Florida Officer's Bill of Rights is NOT commenced, then please timely tender the above items as soon as possible. Thanks.

Receipt

Citizen Review Board

#3 East Quay Road, Key West, FL 33040 PO Box 1946, Key West, FL 33041 (305) 809-3887 Fax (305) 293-9827 email: crb@keywestcity.com

http://www.keywestcity.com/department/board.asp?fDD=36-153

- What you need to know before completing the attached complaint form:
- This complaint and any attachment become public record. If you have already filed a report with Key West Police Department Internal Affairs, and you want that complaint to remain confidential until the investigation is complete, you may want to refrain from filing at this time.
- Complaints should be filed as soon as possible the time you became aware of the incident or after resolution of any criminal charges.
- Anyone who has criminal charges pending related to this complaint should consult an attorney before
 filing the complaint with the CRB and such pending charges may delay the progress of the investigation
 of your complaint with the CRB. Further, any statements made to the CRB are public record and can be
 used by anyone to incriminate the complainant. All statements will be uploaded to the internet
- Complainants must advise the CRB of any changes of address or phone number; failure to provide the CRB current information or means for CRB to contact the complainant may result in dismissal of the case.
- All documents received by this office, including medical records, photo IDs, communications and alike become public records and will be disclosed on the Internet and viewable by anyone or any person.
 You should consider this fact before sending any matters or materials to this office.
- The CRB and its employees and agents are not your legal representatives. You should seek independent legal representations to understand your legal rights regarding the matters referenced in your complaint.
- The CRB jurisdiction is limited to City of Key West Police Officers and NOT Monroe county sheriffs, correction officers, Florida Fish and Wildlife Officers, FDLE representatives, Florida Highway Patrol Officers, Federal Agents, Military personal and alike.

I have read and understand the information provided to me on this page.

Name/Nombre

Date/Fed

COMPLAINT FORA.

Citizen Review Board

PO Box 1946, Key West, FL 33041 http://www.keywestcity.com email: crb@keywestcity.com (305) 809-3887 Fax (305) 293-9827

Please provide as much information as you can about the incident(s). Use additional pages if necessary.

Suministre la mayor cantidad de información posible acerca del (de los) incidente(s). Utilice páginas adicionales si fuese necesario

A. COMPLAINANT INFORMATION DATOS DEL DENUNCIANTE	1	
Name: Ronald		Date of Birth: 9-13-55
Nombre 322 J		echa de nacimiento
Address:	man so KE)	West
(Dirección) Street	(Ciudad) City	(Estado) State (Código Postall) Zip
Mailing Address:	<u></u>	
Dirección postal ' PO B	ox or Street, City, State and Zip	
	1	
(Dirección del trabajo)	—- 	
Home Phone: ()	Work Phone: () _ Z Teléfono del Trabajo	Cellular: () Jone
B. NATURE OF COMPLAINT: Natu	raleza de la denuncia:	
SEE A	Mached	
	OFFICER(S) INVOLVED IN THE IN IAL (ES) INVOLUCRADO(S) EN E	
Name:	Badge #:	Vehicle #:
Nombre O	Placa No:	Patrulla No.
Please provide a physical description of Describa la apariencia fisica del official:		
Name:	Badge #:	Vehicle #:
Nombre	Placa No:	Patrulla No.
Please provide a physical description of a Describa la apariencia fisica del official:		
Name:	Badge #:	Vehicle #:
	Placa No:	
Nombre	riaca ivo:	Patrulla No.

DATOS DE LA VICTIMA/TESTIGO Did you witness the incident? Yes No ____ ¿Fue usted testigo del incidente denunciado? Si ___ If you are filing a complaint on behalf of someone else, what is your relationship, if any, to the person(s): Si usted está presentando una denuncia en nombre de otra(s) persona(s), indique cuál es su relacion, si la hay, con esa(s) persona(s): Spouse ____ Parent Relative ___ Guardian ___ Child ___ Familiar ____ Hijo/a ___ Padre/Madre ____ Tutor ____ Conyuge Amigo/a Please provide as much of the following information as you can about the person(s) on whose behalf the complaint is filed and any witness(es) to the incident: Suministre la mayor cantidad possible de la informacion que se solicita a continuacion, sobre la (las) persona(s) en nombre de la(s) cual(es) presenta la denuncia, y sobre el (los) testigo(s) del incidente: Victim/Witness #1 Victima/Testigo No. 1 Is this person a: victim____ witness _ Esta persona es: victima ____ testigo ____ Nombre _____ State ___ Address: City _ Dirección: Ciudad: Estado: Zip Code _____ Contact numbers: Telephone _ Cell Teléfono Código Postal Victim/Witness #2 Victima/Testigo No. 2 Is this person a : victim ____ witness Esta persona es: victima ____ testigo ____ Name: _____ Nombre ____ City ___ State Address: Ciudad: Estado: Dirección: Zip Code ____ Contact numbers: Telephone _____ Cell __ Código Postal Teléfono Victim/Witness #3 Victima/Testigo No. 3 Is this person a : victim ____ witness ____ Esta persona es: victima ____ testigo ____ Name: Nombre Address: _____ City _ State Ciudad: Estado: Dirección: Zip Code ____ Contact numbers: Telephone _____ Cell ___

Teléfono

Código Postal

D.

VICTIM/WITNESS INFORMATION

From: Ronald Sands (sandsronald@yahoo.com)

To: sandsronald@yahoo.com;

Date: Thu, July 15, 2010 12:36:50 PM

Cc:

Subject: [No Subject]

Sir, on 11 July, 2010 at approximately 8:40 p.m. I was verbally assaulted by Key West police officer Galbo at my family's resident. (322 Truman Ave.) No first name was listed on the business card that officer Galbo threw at my feet. E.M.S. and officer Galbo were summon to my property for an unruly tenant. I requested that the tenant be taken away-because E.M.S.& Key West P.D.- have been called to my property almost weekly (by the unruly tenant himself!) Upon finishing my request, officer Galbo imploded-resulting in barrage of profanity directed at me. At this time tenant began to verbally assault me and he also put his hand on me, I then demanded that he be arrested for physically assaulting Officer Galbo then unleashed a salvo of profanity on me, "Are you telling me how to do my FUCKING! job?" Order was not obtain until two other officers arrived at my family's property-they were both professional in their manner and respectful in their speech and in their tone. They took control of the situation. Sir in all honesty I too am guilty foul language- but only after officer Galbo flung his verbal filth at me. Is this standard Key West police procedure-when dealing with Black property owners and their White tenants?



OFFICER GALBO

KEY WEST POLICE DEPARTMENT 1604 N. ROOSEVELT BLVD. KEY WEST, FL 33040

305-809-1111

Donald J. Lee, Jr.





Key West POLICE DEPARTMENT

I am fully aware of the complaint process of the Key West Police Department. I have filed a complaint against certain officers of the department and understand an administrative inquiry has been initiated into my complaint.

I have decided to withdraw my complaint at this time with the understanding that no further administrative action will be taken regarding this matter and the Key West Police Department considers the matter closed.

Signed:

Witness:

Date:

Date:

Continuation



Citizens Review Board

From:

Citizens Review Board

Sent:

Monday, November 01, 2010 11:55 AM

To: Cc: sandsronald@yahoo.com Citizens Review Board

Subject:

CRB Complaint #10-005

Dear Mr. Sands:

We have received notice from the KWPD Internal Affairs Lt. David Smith that you have informed him you wish to voluntarily withdrawal your complaint relative to the incident that occurred on July 11, 2010. Therefore, your matter will be placed on the Citizen Review Board's (CRB's) November 22, 2010 Agenda for its meeting at Old City Hall, 510 Greene Street, Key West Florida 33040 at 6:00 p.m.

Please attend this meeting should you wish to address the CRB on your matter. Otherwise, the CRB may very well consider this matter closed.

The Board appreciates the time you have taken to lodge this complaint. If you change your mailing address, please send in written notice to this office so our files can reflect the same.

Respectfully,

Stephen C. Muffler, Esquire Executive Director Attorney at Law

City of Key West
Citizen Review Board
P.O. Box 1946
Key West, Florida 33041
tel(305) 809-3887
fax(305) 293-9827
crb@keywestcity.com
www.keywestcity.com

Note To Recipients: Under Florida law, this communication and any response or reply to it, will be subject to public records requests/disclosure laws, unless an applicable privilege or rule of evidence applies.

Note to Citizen Review Board Members: In accordance with the Florida Sunshine Law, please do not "reply to all" if there are other board members receiving this e-mail concerning Board business. Please only reply to non-board members when responding.



CITY OF KEY WEST

P.O. Box 1946
Key West, FL 33041

Ph: (305) 809-3887 Fax: (305) 293-9827

November 1, 2010

VIA REGULAR US MAIL

Mr. Ronald Sands 322 Truman Ave. Key West, Florida 33040

Complaint File: CRB No. 10-005

KWPD-IA File Number: (to be assigned)

Dear Mr. Sands:

We have received notice from the KWPD Internal Affairs Lt. David Smith that you have informed him you wish to voluntarily withdrawal your complaint relative to the incident that occurred on July 11, 2010. Therefore, your matter will be placed on the Citizen Review Board's (CRB's) November 22, 2010 Agenda for its meeting at Old City Hall, 510 Greene Street, Key West Florida 33040 at 6:00 p.m.

Please attend this meeting should you wish to address the CRB on your matter. Otherwise, the CRB may very well consider this matter closed.

The Board appreciates the time you have taken to lodge this complaint. If you change your mailing address, please send in written notice to this office so our files can reflect the same.

Respectfully,

Stephen . Muffler, Esquire

Executive Director
Attorney-at-Law

cc: File

Citizens Review Board

From:

Citizens Review Board

Sent:

Saturday, July 24, 2010 2:18 PM

To:

sandsronald@yahoo.com Citizens Review Board

Cc: Subject:

CRB Complaint #10-005

Mr. Ronald Sands 322 Truman Ave. Key West, Florida 33040

Complaint File: CRB No. 10-005

KWPD-IA File Number: (to be assigned)

Dear Mr. Sands:

This e-amil shall confirm receipt of your complaint relative to the incident that occurred on July 11, 2010.

As per the Board's standard operating procedures, your complaint has been forwarded to the Key West Police Internal Affairs Department (IA) for investigation. At this time, the Board will await IA's findings and conclusions. The Board will consider the matter thereafter if you are not satisfied with IA's handling of the complaint. The Board reserves its rights to investigate the matter at any time if appropriate under the circumstances and in accordance with the City's Charter and Florida law.

Please note that all documents and communications received by this office are considered public records. You will be updated periodically by this office during material stages of the aforementioned processes. Please make sure that this office is updated at all times of any change to your contact information or mailing address. As I stated in the office when we met, it is URGENT that you send me a telephone number where you can be reached and since you do not have a home or work phone number, I have suggested to you that you purchase a disposable cell phone and leave a message on our CRB phone service as to that number. Otherwise, the KWPD and this office will have difficulty in contacting you to investigate this matter.

The Board appreciates the time you have taken to lodge this complaint. If you change your mailing address, please send in written notice to this office so our files can reflect the same. You are welcome to call or write us with any questions you may have.

Respectfully,

Stephen C. Muffler, Esquire **Executive Director** Attorney at Law

City of Key West Citizen Review Board P.O. Box 1946 Key West, Florida 33041 tel(305) 809-3887 fax(305) 293-9827 crb@keywestcity.com www.keywestcity.com

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CITY OF KEY WEST

Citizen Review Board P.O. Box 1946 Kev West, FL 33041 Ph: (305) 809-3887

Fax: (305) 293-9827

July 24, 2010

VIA REGULAR US MAIL

Mr. Ronald Sands 322 Truman Ave. Key West, Florida 33040

Complaint File: CRB No. 10-005

KWPD-IA File Number: (to be assigned)

Dear Mr. Sands:

This letter shall confirm receipt of your complaint relative to the incident that occurred on July 11, 2010.

As per the Board's standard operating procedures, your complaint has been forwarded to the Key West Police Internal Affairs Department (IA) for investigation. At this time, the Board will await IA's findings and conclusions. The Board will consider the matter thereafter if you are not satisfied with IA's handling of the complaint. The Board reserves its rights to investigate the matter at any time if appropriate under the circumstances and in accordance with the City's Charter and Florida law.

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Respectfully,

Stephen . Mustler, Esquire

Executive Director Attorney-at-Law

cc: File

Citizens Review Board

From:

Citizens Review Board

Sent:

Monday, November 01, 2010 12:31 PM

To:

Nicholas Galbo

Cc:

Citizens Review Board; David T. Smith

Subject:

CRB Notice Attached

Attachments:

Galbo Notice 110110.pdf

Good Day Officer Galbo:

Attached is your CRB notice for the CRB Public meeting to be held on November 22, 2010. If you have any questions concerning this matter please feel free to contact myself or Lt. David Smith of the OPS. Thank you for your attention to this matter.



Galbo Notice L10110.pdf (51 KB..

Stephen C. Muffler, Esquire Executive Director Attorney at Law

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Citizen Review Board
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Citizen Review Board City of Key West Florida Executive Director's Memo

TO:

Lt. David Smith

FROM:

Stephen Muffler, Esquire

DATE:

11/01/10

RE:

CRB Agenda for 11/22/10

Attached please find the agenda for the above referenced CRB meeting. Also enclosed please find the respondent officer's notice. Would you please forward these notices to the individual officers so that they are aware of this upcoming meeting? It would be desirable for a representative from your office attend this meeting to help address the Board's specific questions on any files or procedures. Please note that all of the Board materials are now available for yourself or the respondent officers to view on the CRB website.

AGENDA

Citizen Review Board Meeting Old City Hall, 510 Greene Street Monday, November 22, 2010 6:00 p.m.

1	CALL	THE	MEETING	TO	OPDED
4.0		TITE	TATELLIAM	-1 O	UNDER

- 2. ROLL CALL
- 3. PLEDGE OF ALLEGIANCE
- 4. APPROVAL OF MINUTES:
 - a. August 23, 2010
- 5. TRACKING CHART REVIEW
- 6. CONTINUED OR NEW BUSINESS:
 - a. File Review: CRB #-10-005 (_____ Complainant Name to be released at Meeting)
 - b. Taser Statistics for July 2010-September 2010
 - c. Approval of Proposed Meeting Dates in 2011
- 7. COUNSEL'S REPORT
- 8. CHAIRPERSON'S REPORT
- 9. BOARD MEMBERS REPORT/GENERAL COMMENTS
 Members: Beaver & Forbes: NACOLE 2010 Annual Convention Comments
- 10. EXECUTIVE DIRECTOR'S REPORT
 - Review/Summary of CRB community outreach and PR efforts for months of September & October 2010;
- b. CRB packets & materials to be published to City's Online Legistar Service starting 2011;
- c. CRB release of video holiday card to community, city leaders, & cable stations;
- d. CRB 2010 Annual Report drafting & distribution for consideration by members;
- e. CRB cable info-commercial in production to be released in January 2011
- f. CRB Executive Director contract negotiations (continued)
- g. Proposal to cancel December 2010 meeting (low file load)
- 11. PSO/IA COMMENTS/FOLLOW-UP
- 12. PUBLIC INPUT
- 13. MEDIA AND PRESS QUESTIONS

14. ADJOURNMENT

ADA Assistance: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, including requesting materials in accessible format, a sign language interpreter or other assistance (5 days advance notice required), or information on access available to individuals with disabilities, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m. If you are hearing or voice impaired, please call 305-809-1000.



Citizen Review Board City of Key West Florida Executive Director's Memo

TO:

Officer Galbo

FROM:

Stephen Muffler, Esquire

DATE:

11/1/10

RE:

CRB Complaint #10-005/Sands

Attached please find a copy of the proposed Agenda for the CRB meeting to be held at 6:00 p.m. at the Old City Hall on November 22, 2010. One or more of the Board Members and/or the Executive Director as placed the above referenced file on the Agenda for discussion. You are a respondent in this file and are invited to attend this meeting to help clarify the matter to the Board members. You are under no obligation to attend nor speak to the Board, but your input on the matter would be carefully weighed and would assist the Board in reaching a fair and just recommendation. You may attend personally, via a union representative or through legal counsel. Materials on this file may be viewable via the CRB website approximately five (5) days prior to the meeting.

AGENDA

Citizen Review Board Meeting Old City Hall, 510 Greene Street Monday, November 22, 2010 6:00 p.m.

4		THE PERSON		TO ORDER
1	('A	IHH	MINICA	TTITION

- 2. ROLL CALL
- 3. PLEDGE OF ALLEGIANCE
- 4. APPROVAL OF MINUTES:
 - a. August 23, 2010
- 5. TRACKING CHART REVIEW
- 6. CONTINUED OR NEW BUSINESS:
 - a. File Review: CRB #-10-005 (_____ Complainant Name to be released at Meeting)
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- 8: CHAIRPERSON'S REPORT
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